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FEE TRANSMITTAL FOR FY 2002

Complete if Known

Application Number 09/920,785
Filing Date August 1, 2001
First Named Inventor Paul K. Nakane
Examiner Name Herbert J. Lilling
Group Art Unit 1651
Attorney Docket No. 266/106 24748-7238

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Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$465.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

50-2518

Deposit
Account
Name

Bingham McCutchen LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|-------------|
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|-----------------|-------------------|----------|
| 20** | * | x | \$ |
| 3** | * | x | \$ |
| Multiple Dependent | | | \$ |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------------|-----------------------|----------------------|-----------------------|-----------------------------------------------------------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claims, if not paid |
| 109 | 84 | 209 | 42 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$*)

number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------------------------------------------------------------|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 930 | 217 | 465 | Extension for reply within third month | \$465 |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,970 | 228 | 985 | Extension for reply within fifth month | |
| 119 | 330 | 219 | 160 | Notice of Appeal | |
| 120 | 330 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions of the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per properties (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$465.00)

MITTED BY

Print/Type)

Bernard F. Rose

Registration No.
(Attorney/Agent)

42,112

Complete (if applicable)

Telephone

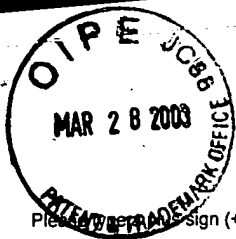
(650) 849-4902

Date

March 28, 2003

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24748-2247487238



03-31-03

1651#

PTO/SB/21 (08-00)

Please sign (+) inside this box ☐

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | | |
|---------------------------------------------------------------------------------------------|-----------------------------|----------------------------|---------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/920,785 | |
| | Filing Date | August 1, 2001 | |
| | First Named Inventor | Paul K. NAKANE | |
| | Group Art Unit | 1651 | |
| | Examiner Name | Herbert J. Lilling | |
| Total Number Of Pages In This Submission | 12 | Attorney Docket No. | 266/106 |

ENCLOSURES (check all that apply)

- | | | |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Reply to Communication | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

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TECH CENTER 1600/2900**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

| | |
|-------------------------------|------------------------------------------------------------------------------------------------------------------|
| Firm or Individual Name | Bernard F. Rose Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, CA 94111-4067 |
| Signature | |
| Date | March 28, 2003 |

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Nancy L. Hug

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PATENT
266/106
24748-7238

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

NAKANE, Paul K.

Serial No.: 09/920,785

Filed: August 1, 2001

For: RAPID ANTIBIOTIC
SUSCEPTIBILITY TEST

Group Art Unit: 1651

Examiner: Herbert J. Lilling

9/a
H.J.
5/20/03

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RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, DC 20231

Sir:

With regard to the non-final Office Action mailed October 21, 2002, please amend the claims and consider the remarks as set forth on the attached sheets.

INTRODUCTORY COMMENTS

Claims 1 – 16, 21 and 22 are presently before the examiner in view of applicant's election pursuant to the examiner's previous restriction requirement. In this Office Action, however, the examiner notes that claims 15 – 20 are both withdrawn from consideration and subject to restriction. Applicant assumes that this is an oversight on the part of the examiner and has not addressed the restriction requirement in this response.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service on the date shown below in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231

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March 28, 2003
Date of Deposit

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Name of Person Mailing Paper

Nancy L. Hug
Signature of Person Mailing Paper